IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 122 OF 2006
IN
NOTICE OF MOTION NO. 2772 OF 2001
IN
SUIT NO. 3859 OF 2001

Vikas Housing Limited.] .. Appellants (Ori.Plaintiffs)

Versus

1. Ravi Ashish Developers Ltd. & 4 ors.] .. Respondents (Ori.Defendants)

Mr. R.K. Desai for the appellants.

Mr. Rajiv Narula with Mr. Anuj Narula i/b M/s. J.H. Narula & Associates for the respondents No.1, 4 & 5.

CORAM: R.M. LODHA &
ANOOP V. MOHTA, JJ.

DATED: 02ND MARCH, 2006

P.C. :

. Heard Mr. R.K. Desai, the learned counsel for the appellants.

2. The appellants, who are the original plaintiffs, have failed to show before the learned Motion Judge that they were in possession in respect of land bearing CTS No.620 (Part) or 620A/2. In the absence of any material placed by the plaintiffs to prove *prima facie* that they were in possession of plots

bearing CTS No.620 (Part) or 620A/2 obviously their case that they have been forcibly dispossessed could not have been accepted and rightly not accepted by the learned Motion Judge. As regards plot bearing CTS No. 699 (Part), the defendants have undertaken that they would not dispossess the plaintiffs from the said plot nor shall they interfere with the plaintiffs' possession or encroach upon the said land.

3. The impugned order does not call for any interference.

4. Appeal is dismissed.

Sd/-
[R.M. LODHA, J.]

Sd/-
[ANOOP V. MOHTA, J.]